

**MELANIE RUZEK AND MARK
SEILER**

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NO. 2006-CA-0878

VERSUS

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COURT OF APPEAL

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FOURTH CIRCUIT

**REPUBLIC WESTERN
INSURANCE COMPANY,
HANOVER INSURANCE
COMPANY, CITIZENS
INSURANCE COMPANY,
ALLSTATE INSURANCE
COMPANY, U-HAUL RENTAL
COMPANY AND DANA
ENSING**

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STATE OF LOUISIANA

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CANNIZZARO, J. DISSENTS WITH REASONS

I respectfully dissent from the majority opinion. I think that the facts in the instant case are clearly distinguishable from the facts in the Champagne case. The determination of whether to apply Louisiana law is a factual one, and the facts in this case mitigate in favor of applying Louisiana law. For two years prior to the accident, Ms. Ruzek resided in Louisiana with all of the privileges and responsibilities of a Louisiana resident. She was also treated for the injuries she received in the accident by Louisiana hospitals and physicians, and she continued to maintain a residence in Louisiana after the accident. Although she considered Georgia to be her domicile and although she owned a home where she resided part-time in Georgia, she was also a Louisiana resident, living in several different

residences in the state over the course of several years.

Unlike in the Champagne case, the injured party in the instant case was a Louisiana resident, albeit not a Louisiana domiciliary, rather than a person transitorily in the state. Therefore, I find that Louisiana has a more substantial

interest than Georgia in the accident in the instant case. I would reverse the judgment of the trial court finding that Georgia, rather than Louisiana, law should be applied.